

**REMARKS**

The last Office Action has been carefully considered.

It is noted that Claims 1, 2, 4-11, 15, 16 and 17 are rejected under 35 USC 103(a) over the U.S. patent to Kasabian in view of the U.S. patent to Kercher.

Claims 12, 13, 18 are rejected under 35 USC 103(a) over the U.S. patent to Kasabian in view of the patents to Kercher and Potter.

After carefully considering the Examiner's grounds for rejection of the claims, applicant amended Claim 1, the broadest claim on file in some formal matters and added new Claims 19-25.

Claim 19 discloses the features of Claim 1 and the features of two plates with through openings, which are separated by a handle section, as shown in Figure 1, but without the features of the through openings having a conical shape with respect to a longitudinal axis of the through openings.

Claim 20 defines the feature which is illustrated in Figure 1 of the present application.

Claim 21 defines the feature which is disclosed in the specification of the exemplary embodiment on page 6, lines 1-2.

The feature of Claim 22 is disclosed in the description of the exemplary embodiment on page 5, line 34 to page 6, line 1.

The features of Claims 23 and 24 are disclosed in the description of the exemplary embodiment on page 7, lines 10-13.

Additional independent Claim 25 basically combines the features of Claims 1 and 19.

Turning now to the references and in particular to the patent to Kasabian, it is respectfully submitted that Kasabian et al (US 3,840,762) teaches to arrange inlet means in a filter screen (112) of a filter (102) at one end of a casing (22) (see Kasabian, figures 1 and 3, as well as column 4, lines 8-17 and claim 1). The inlet means of the filter screen (112) are constructed as cylindrical through openings. The Kasabian reference lacks therefore the features of conical shaped openings.

Due to the conical shape of the openings (14), an air flow can be accelerated by the narrowed openings with the advantage that the cooling of the motor can be enhanced.

No motivation to form the through openings as conical shaped openings can be found in the Kasabian reference.

It is believed to be clear that Claim 1 clearly and patentably distinguishes from the prior art represented by the patent to Kasabian.

The patent to Kercher et al (US 6,224,336 B1) discloses a turbine airfoil of a gas turbine engine with a turbine blade cooling system including conical shaped openings (54) and a cooling channel (38).

In Kercher there is no reference suggesting the present invention.

As for the combination of the patents to Kasabian and Kercher, it is respectfully submitted that a combination of Kasabian (US 3,840,762) et al and Kercher et al (US 6,224,336 B1) is not obvious, because the subjects of the prior art of Kasabian and Kercher concern completely different fields.

It is not obvious that a person skilled in the field of handheld power tools would have taken into account the teaching of Kercher, which concerns a gas turbine.

When developing a handheld power tool, the person skilled in the art has to deal with conditions of temperature and speed of a fluid flow which are typical for the domestic use of a power tool. Under those conditions, temperature and speed of a fluid

flow lie in a range which is far away from the typical range met in the field of gas turbine engines. In this field, the person skilled in the art is confronted with temperatures and speeds which are dramatically higher than in the conditions of use of the handheld power tools.

For this reason, it is not obvious that a person skilled in the development of handheld power tools would have consulted a reference concerning a gas turbine in order to find hints to improve the cooling of a handheld power tool. The person skilled in the art willing to improve the power tool as disclosed in Kasabian does indeed not expect the teaching of a reference concerning a gas turbine to be obviously applicable in the field of handheld power tools.

In view of this, the person skilled in the field of handheld power tools could not find – in the cited references concerning this field – at the time of the invention any hints which would have led him to modify the cylindrical shaped through openings of Kasabian to conical shaped through openings.

In view of the above presented remarks it is believed to be clear that Claim should be considered as patentably distinguishing over the art and should be allowed.

The same arguments are applicable with respect to independent Claims 7 and 15. Claim 7 and 15 should also be considered as patentably distinguishing over the art and should be allowed.

Turning now to Claims 19 and 25, it is respectfully submitted that Kasabian et al (US 3,840,762) teaches to arrange inlet means in a filter screen (112) of a filter (102) at one end of the casing (22). A handle section is formed by the casing (22) (see Kasabian, figure 1).

Kasabian lacks the feature of Claim 19 and 25 of two plates with through openings, a first plate being placed in front of the handle section and a second plate being placed behind the handle section in the longitudinal direction of the casing (22).

The patent to Potter et al (US 6,256,427) teaches a drill with a housing. For the cooling of an electromotor, tow sets (62, 64) of the through openings are provided (see figure 2c). The sets (62, 64) are located in the region of a handle section formed by the housing (see figure 2b).

Potter lacks therefore the feature of Claims 19 and 25 of two plates with through openings, a first plate being placed in front of the handle section and a second plate being placed behind the handle section in the longitudinal direction of the housing. In Potter the two sets (62, 64) of through openings are located in the handle section and are therefore not separated from each other by the handle section.

It is therefore respectfully submitted that Claims 19 and 25 should be considered as patentably distinguishing over the art and should be allowed as well.

With the present Amendment applicant also submitted Declaration of Unobviousness which clearly shows that the present invention is new, unobvious, and patentable over the art.

In view of the above presented remarks and amendments it is respectfully submitted that all claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

/Michael J. Striker/

Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233